

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED

DATE: March 02, 2010

12:16 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Celia Dugan

Deputy

DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Celia Dugan, Deputy Clerk

CASE NO. P1300CR20081339

DATE: March 02, 2010

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney

(Plaintiff)

(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

John Sears

(D-1)

107 North Cortez Street, Suite 104
Prescott, AZ 86301

Larry Hammond

Anne Chapman

OSBORN MALEDON, P.A.

2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012

(For Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Motion to Reconsider Release Conditions
and Court's Order dated January 13, 2010 /
Oral Argument Re: Motion to Compel

Roxanne Tarn

START TIME: 9:07 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jack Fields, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

Sears advises the court of the issues which have risen at a critical time pleadings serious discovery late disclosure by the state motion to exclude these and the problem this creates. Jury selection process. Their jury expert is now not available is in Tucson. They want changes in schedule so that their expert is here.

The state does not have any pressing issues.

Defense presents Oral Argument on death penalty issues.

The State presents response to the Oral Argument.

~*~*~*~*~ Recess - 10:15 a.m. ~*~*~*~*~

At 10:30 a.m. Court reconvenes with the presence of all parties previously stated are present.

The Court **FINDS** that the death penalty is constitutional as it relates to this case, and as systemically applied in Arizona. Under advisement is the request for sanctions which includes the issue of the request by the defense addressed by Ms. Chapman to strike the death penalty in this case as a sanction under Rule 15.7 as well as the case law.

The Court **DENIES** the request by the Defense to declare the death penalty unconstitutional, as applied in Arizona, as applied in Yavapai County and as applied in to this case.

The Court directs the State to file its response to the Motions discussed by Monday, March 08, 2010.

Counsel present argument on the allowance of the UBS evidence.

The Court **PRECLUDES** in general, the UBS evidence, for reasons as stated on the record.

Counsel present argument on the allowance of the Echols testimony.

The Court **DENIES** the Motion to Preclude the Echols testimony.

Court and Counsel review the proposed admonition for the Jury.

The Court directs the State to provide the offer as it relates to the individuals identified in the particular motion.

IT IS ORDERED: 404-403Hearing is set for March 30, 2010 @ 2:30 p.m.

END TIME: 12:10 p.m.

cc: VS (e)
Dean Trebesch (Contract Administrator) (PD) (e)
Division 6 (calendar)
YCSO (e)
Christopher DuPont, Trautman DuPont PLC, 245 W Roosevelt, Ste. A Phoenix, AZ 85003,
Counsel for Victims Charlotte and Katherine DeMocker